

# LENA C. TAYLOR

Wisconsin State Senator • 4th District

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HERE TO SERVE YOU!

**Senate Committee on Judiciary, Corrections, and Housing**  
**Testimony of Senator Lena C. Taylor**  
**Senate Bill 532 – Drivers License Suspensions and Reinstatements**  
**Tuesday, March 4<sup>th</sup>, 2008**

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Honorable Colleagues,

Thank you for hearing testimony today on Senate Bill 532, a bill pertaining to suspension and reinstatement of drivers' licenses. As the bill's Senate author, I'm here today to speak on its behalf.

Senate Bill 532 alters certain procedures regarding suspension, revocation, issuance, and re-issuance of drivers' licenses. The aim of the bill is to simplify the requirements for obtaining a license and to streamline the process for having a license reinstated. The current process is replete with requirements that do not serve a compelling purpose.

The requirements don't make our roads safer. They don't ensure that our drivers are more responsible. They only make for more paperwork and more administrative red tape in the process. They force economically disadvantaged families into a cycle of repeated fines that they cannot afford to pay. They deprive economically disadvantaged workers of the chance to get their jobs. They hurt our families, cripple our economy, and clog our courts.

The statistics clearly illustrate the need to modify the current process. In Milwaukee County, alone, suspended or revoked licenses burden one in eight driving-age residents. Unhappily, that number is growing everyday.

Senate Bill 532 will reverse the trend by removing inefficiencies in the current system and helping families escape the vicious cycle of suspension and revocation. It will expedite the process of reinstatement and it will give hundreds of thousands of Wisconsinites hope and opportunity.

I'm going to defer to Mitch Warren from the Department of Transportation on some of the technical aspects of the bill. Mr. Warren is more qualified than anyone I know to speak about them. I would, however, like to close by noting that there is an urgent need for this legislation. Each day that our outdated laws prevent mothers and fathers from going to work is one day too many. As such, I would ask your support for Senate Bill 532.

Thank you.



# Tamara GRIGSBY

Wisconsin State Representative  
18th Assembly District

## **Testimony Before the Senate Committee on Judiciary, Corrections, and Housing March 4, 2008 Senate Bill 532**

I want to thank Chairperson Taylor for her leadership in offering Senate Bill 532 and for scheduling a hearing so quickly on this bill.

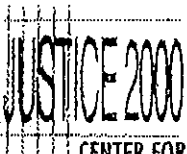
One of the most important variables in getting and keeping a job is having a driver's license. Many jobs are located in areas that are either not served by public transportation at all, or are very difficult to get to relying solely on public transportation. For individual's who have lost their driving privileges, it is imperative that their license be reinstated as quickly as possible after having served their suspension time and the payment of their fines.

This bill takes makes several changes to the statutes relating to the timing of driver license suspension. In short it:

- Eliminates all statutory provisions for suspensions to begin after application. Suspensions would begin with the date of eligibility for a license instead.
- Makes the revocation for a 4<sup>th</sup> operating after suspension or operating after revocation discretionary with the courts, rather than mandatory. This provision was included in the Governor's budget bill but didn't make it into the final budget that was passed.
- Eliminates the requirement that courts, law enforcement, and DOT physically take away driver's licenses under certain circumstances.
- Allows for automatic reinstatement of a driver's license after revocation and payment for reinstatement.

This bill will streamline the reinstatement process for the Department of Transportation, allow drivers to become legally licensed in a more expedient manner. It takes into account the modernization of driver license data and takes additional burdens off the motoring public for reinstating their licenses.

I thank the committee for your time and consideration of this matter. I am happy to answer any questions Committee members may have.



CENTER FOR  
DRIVER'S LICENSE  
RECOVERY &  
EMPLOYABILITY

March 3, 2008

Senator Lena Taylor  
State Capitol Building  
P.O. Box 7882  
Madison WI 53707-7882

Re: SB 532

Dear Senator Taylor:

I write to urge you, and the Committee on Judiciary, Corrections, and Housing, to take favorable action on the above Bill.

This Bill will streamline procedures related to driver's licensing in a way which will meet the needs of both the Department of Transportation and its customers. This is good.

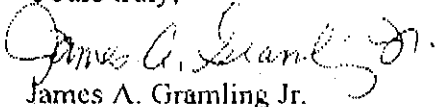
But the Bill will also have the very beneficial effect of eliminating the mandatory revocation currently required by sec. 343.31(1)(hm) and instead make the revocation discretionary with the sentencing court. This is a very important change. Drivers who are revoked end up in the criminal system if they continue to drive. Many, and likely most, of the drivers who are revoked under this provision have not demonstrated bad driving. Instead, they are low-income drivers who have failed to pay forfeitures. They are not drivers who deserve to end up in the criminal system.

Our Center for Driver's License Recovery works daily with low-income drivers who have resolved to get on the path to employment -- and avoid the path to jail -- by getting a valid driver's license. We have identified the mandatory revocations -- which this Bill will eliminate -- as one of the major barriers to licensing. An affirmative vote on SB 532 will remove the barrier with no consequent risk to the driving public. This change deserves your support.

I regret that I am unable to appear in person at the Committee hearing on March 4<sup>th</sup> but I will be headed to Baltimore to participate in a presentation about our program to the Annie E. Casey Foundation. I ask that you make my comments available to the rest of the Committee.

Thank you greatly for your support, and leadership, on this issue.

Yours truly,

A handwritten signature in cursive script, appearing to read "James A. Gramling Jr.", written in dark ink.

James A. Gramling Jr.

Volunteer Attorney

414.297.7626



# DISTRICT ATTORNEY DANE COUNTY



**BRIAN W. BLANCHARD**  
District Attorney

**JUDY SCHWAEMLE**  
Deputy District Attorney  
Felony Unit

**MICHAEL S. WALSH**  
Deputy District Attorney  
Juvenile Unit

**TIMOTHY R. VERHOFF**  
Deputy District Attorney  
Criminal Traffic &  
Misdemeanor Unit

**SUZANNE BEAUDOIN**  
Manager  
Victim / Witness Unit

**NANCY GUSTAF**  
Manager  
Deferred Prosecution Unit

**MARLYS HOWE**  
Manager  
Domestic Violence Unit

**KATHY MCDERMOTT**  
Administrative Services  
Supervisor

## VIA FACSIMILE & MAIL

February 20, 2008

Rep. Jerry Petrowski, Chair  
Assembly Committee on Transportation  
Wisconsin State Capitol  
PO Box 8953  
Madison, WI 53708

**Re: Assembly Bill 818**

Dear Representative Petrowski,

I write in support of Assembly Bill 818, now scheduled for a public hearing before the Transportation Committee tomorrow. Responsibilities in the courthouse prevent me from appearing in person, but I thank you for considering these thoughts.

The public justifiably expects police and prosecutors to prioritize cases every day, and to seek penalties that reasonably fit conduct that can be proven in court. As part of those goals, the laws need to distinguish to the greatest degree possible between drivers in court who have been caught operating vehicles dangerously and those who have not. The circuit courts should not be clogged with revocation cases for persons who do not appear to be dangerous drivers.

AB 818 takes the positive step of dropping the mandatory revocation of a license upon a fourth conviction for operating after suspension, allowing revocation at the discretion of the judge. Operating after suspension cases for non-dangerous drivers could remain in municipal courts, and free up circuit court time for drunk driving, reckless driving, and other serious traffic cases, not to mention the child abuse, sexual assault, and other critical cases that occupy the time of the circuit courts. Dangerous drivers would continue to be revoked and continue to be prosecuted in circuit courts.

In addition, a University of Wisconsin-Milwaukee study in 2006 appears to have established that having a valid driver's license correlates more strongly with sustained employment than even a GED. Revoking persons who are not unsafe drivers undermines the labor force, and needlessly keeps citizens from providing for themselves and their children.

Rep. Jerry Petrowski

February 20, 2008

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Thank you for considering these views, and I would be happy to respond to any questions or concerns any member of your committee might have.

Sincerely,

Brian W. Blanchard

cc: Deputy DA Timothy R. Verhoff  
Chief Judge William Foust  
Court Commissioner Todd Meurer

DANE COUNTY

COURT COMMISSIONER CENTRE

215 S HAMILTON ST RM 2000

MADISON WI 53703

608-266-4311

FAX 608-267-8859

Barb Smith, Arraignment Clerk  
Lori Gerlach, Court Reporter  
Jake Skibba, Court Reporter

**TODD E. MEURER**  
CIRCUIT COURT COMMISSIONER  
Criminal, Traffic, Civil Forfeiture Cases

February 20, 2008

Rep. Jerry Petrowski, Chair  
Assembly Committee on Transportation  
Wisconsin State Capitol  
Madison, WI 53703

Re: AB818

Dear Representative Petrowski:

Assembly Bill 818 is scheduled for a public hearing before the Transportation Committee on Thursday February 21, 2008. I am writing to convey my strong support for this legislation.

For the past 28 years I have worked in the court system as a specialist in the area of traffic law. As a former prosecutor and currently as a judicial court commissioner, I have continued to deal with the problems of revoked and suspended drivers. A major problem the justice system encounters is determining which of these drivers are dangerous to the public; need to have their driving privileges revoked; and deserve significant punishment if they continue to drive. Our justice system must separate out, and treat differently, those non-dangerous drivers who lose their driving privileges for reasons unrelated to dangerous driving. For many years it has been a continuous struggle to craft laws that can accomplish the goal of separating these two groups of offenders and determining the appropriate penalties for these two different groups of offenders.

AB 818 will greatly assist in this endeavor. This legislation will eliminate the current mandatory revocation of a license upon a fourth conviction for operating after suspension. The revocation will continue to be allowed at the discretion of the judge. This will allow the courts to determine if a revocation is appropriate in each individual case. In addition, this change will allow operating after suspension cases for non-dangerous drivers to remain in municipal courts and reduce the caseload of these non-dangerous offenders in circuit courts. Dangerous drivers will continue to be revoked and will continue to be prosecuted in circuit courts.

Because of vacation plans, I am not available to appear in person before your committee. I thank you for giving me this opportunity to provide my written support for AB818.

Sincerely,

Todd E. Meurer  
Circuit Court Commissioner  
Dane County

Wisconsin Department of Administration  
Division of Executive Budget and Finance

### Fiscal Estimate - 2007 Session

☒ Original      ☐ Updated      ☐ Corrected      ☐ Supplemental

<b>LRB Number</b> <b>07-4155/1</b>	<b>Introduction Number</b> <b>SB-532</b>	
<b>Description</b> Motor vehicle operating privileges, seizures by courts or law enforcement officers of operator's licenses, and reinstatement of canceled identification cards		
<b>Fiscal Effect</b>  <b>State:</b> <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> No State Fiscal Effect  <input checked="" type="checkbox"/> Indeterminate              <input type="checkbox"/> Increase Existing Appropriations              <input type="checkbox"/> Decrease Existing Appropriations              <input type="checkbox"/> Create New Appropriations       </div> <div style="width: 33%;"> <input type="checkbox"/> Increase Existing Revenues  <input checked="" type="checkbox"/> Decrease Existing Revenues       </div> <div style="width: 33%;"> <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget              <input type="checkbox"/> Yes      <input type="checkbox"/> No  <input checked="" type="checkbox"/> Decrease Costs       </div> </div> <b>Local:</b> <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input checked="" type="checkbox"/> No Local Government Costs  <input type="checkbox"/> Indeterminate              1. <input type="checkbox"/> Increase Costs      3. <input type="checkbox"/> Increase Revenue                <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory      <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory              2. <input type="checkbox"/> Decrease Costs      4. <input type="checkbox"/> Decrease Revenue                <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory      <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory       </div> <div style="width: 33%;"> <b>5. Types of Local Government Units Affected</b>  <div style="display: flex; flex-wrap: wrap;"> <div style="width: 50%;"> <input type="checkbox"/> Towns  <input type="checkbox"/> Counties  <input type="checkbox"/> School Districts         </div> <div style="width: 50%;"> <input type="checkbox"/> Village  <input type="checkbox"/> Others  <input type="checkbox"/> WTCS Districts         </div> </div> </div> </div>		
<b>Fund Sources Affected</b> <b>Affected Ch. 20 Appropriations</b> <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input checked="" type="checkbox"/> SEG <input type="checkbox"/> SEGS 20.395(5)(cq)		
<b>Agency/Prepared By</b> DOT/ Mitchell Warren (608) 266-1449	<b>Authorized Signature</b> Julie Johnson (608) 267-3703	<b>Date</b> 3/4/2008



## Fiscal Estimate Narratives

DOT 3/4/2008

LRB Number 07-4155/1	Introduction Number SB-532	Estimate Type Original
<b>Description</b> Motor vehicle operating privileges, seizures by courts or law enforcement officers of operator's licenses, and reinstatement of canceled identification cards		

**Assumptions Used in Arriving at Fiscal Estimate****BILL SUMMARY**

The proposal contains five provisions:

**1. License confiscation**

In current law if a court suspends a driver license they are required to immediately take possession of the license and forward it to the DOT, along with the order of suspension. Likewise a law enforcement officer who arrests someone for OWI must take possession of the license.

This proposal removes the requirement that a court must confiscate the license. IF they choose to confiscate, they are required to destroy it rather than forward it to the DMV. It also prohibits a law enforcement officer from taking possession of the driver license of a person arrested for OWI.

**2. Reinstatement**

In current law the driver license reinstatement process varies by whether the license was revoked, suspended, cancelled or disqualified. Some reinstatements must be done in person, some require a new license to be issued, and in some cases the license issued is for an abbreviated amount of time.

This proposal applies the reinstatement process consistently across the board, allowing DMV to accept a reinstatement without an appearance by the individual at a DMV office, and allowing the individual to retain the license they previously held with the same expiration date.

**3. 4TH offense OWS**

In current law if an individual is convicted of four operating while suspended, operating after revocation, or operating while disqualified charges, or a combination of those charges, within a 5-year period, the court is required to revoke their operating privilege. If the court fails to order a revocation, DMV is required to administratively impose it.

This proposal allows a court to have discretion on a 4th offense OWS, OAR or OWD, and removes the requirement that DMV administratively revoke in that scenario.

**4. After application suspensions**

In current law, some driver license suspensions, specifically juvenile non-driving offenses, don't begin until the individual appears at a DMV office and files an application.

This proposal would change the provisions on when these specific suspensions would begin, making them effective when the individual is eligible for a license, rather than when they file an application.

**5. Non-resident reinstatement**

In current law when an individual moves to Wisconsin from another state, DMV does a review of their previous driving record, and if offenses are found for which the individual would've been revoked or suspended in Wisconsin, action is taken on them as if the offense had been committed here. In some cases this results in a revocation of the new residents operating privilege.

This bill allows new residents who have served their time in their previous state to be licensed in Wisconsin and not face a new, unanticipated revocation or suspension.

**ASSUMPTIONS**

Most of the provisions have minor impacts on Department workload and revenue. Many of the provisions

establish consistency in procedure and convenience for handling of customers.

1. License confiscation

This provision could cause less visits to DMV offices to have state ID cards issued. Fewer visits to DMV offices will result in labor savings while fewer state ID's issued will result in a decrease in revenue.

2. Reinstatement

This provision would cause a reduction in visits to DMV offices for the purposes of reinstatement. Fewer visits to DMV offices will result in labor savings. Allowing revocation reinstatements to maintain their existing expiration date, rather than issuing a 2-year license, will result in a decrease in revenue.

3. 4th offense OWS

This provision would require data processing work for updating the DMV systems to not process an automatic revocation when receiving a fourth offense OWS/OAR/OWD conviction. DP estimate is \$3400.

This provision may result in a reduction in the number of individual's revoked. Generally speaking a reduction in the number of revocations will result in a decrease in revenue due to a reduced collection of reinstatement fees. However, in this case the individuals impacted would already be under license withdrawal and be subject to a reinstatement fee. Therefore revenue is not impacted. A reduction in the number of revocations processed will result in labor savings.

4. After application suspensions

This provision would cause a reduction in visits to DMV offices by not requiring a visit to begin a suspension period. Fewer visits to DMV offices will result in labor savings.

5. Non-resident reinstatement

This provision may cause a reduction in the number of withdrawals processed for new residents. However, the bulk of the work for these circumstances lays in the review of the new residents record which is still required under this provision.

## CONCLUSION

Final fiscal impacts for this proposal are still being determined, therefore the fiscal effect is indeterminate. The proposal contains many provisions that result in efficiencies for the Department, and some provisions that may result in a reduction in revenue.

License confiscation: labor savings, reduced revenue

Reinstatement: labor savings, reduced revenue

4th offense OWS: labor savings

After application suspensions: labor savings

Non-resident reinstatement: no fiscal effect

## Long-Range Fiscal Implications

Wisconsin Department of Administration  
Division of Executive Budget and Finance

## Fiscal Estimate Worksheet - 2007 Session

Detailed Estimate of Annual Fiscal Effect

☒ Original
 ☐ Updated
 ☐ Corrected
 ☐ Supplemental

<b>LRB Number</b> <b>07-4155/1</b>		<b>Introduction Number</b> <b>SB-532</b>	
<b>Description</b> Motor vehicle operating privileges, seizures by courts or law enforcement officers of operator's licenses, and reinstatement of canceled identification cards			
<b>I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):</b>			
<b>II. Annualized Costs:</b>		<b>Annualized Fiscal Impact on funds from:</b>	
		Increased Costs	Decreased Costs
<b>A. State Costs by Category</b>			
State Operations - Salaries and Fringes		\$	\$
(FTE Position Changes)			
State Operations - Other Costs			
Local Assistance			
Aids to Individuals or Organizations			
<b>TOTAL State Costs by Category</b>		\$	\$
<b>B. State Costs by Source of Funds</b>			
GPR			
FED			
PRO/PRS			
SEG/SEG-S			
<b>III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)</b>			
	Increased Rev	Decreased Rev	
GPR Taxes	\$	\$	
GPR Earned			
FED			
PRO/PRS			
SEG/SEG-S			
<b>TOTAL State Revenues</b>	\$	\$	
<b>NET ANNUALIZED FISCAL IMPACT</b>			
	State	Local	
<b>NET CHANGE IN COSTS</b>	\$	\$	
<b>NET CHANGE IN REVENUE</b>	\$	\$	
<b>Agency/Prepared By</b>			
DOT/ Mitchell Warren (608) 266-1449		<b>Authorized Signature</b>	<b>Date</b>
		Julie Johnson (608) 267-3703	3/4/2008